

Application Number:	P/FUL/2023/01475
Webpage:	Planning application: P/FUL/2023/01475 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Atlantic Academy Portland, Lerret Road, Portland, Dorset, DT5 1FN
Proposal:	Provision of additional car parking spaces, vehicular circulation space, footpath alteration, together with associated hard and soft landscaping works to include EV charging, air source heat pump and additional boundary fencing and gates.
Applicant name:	The Department for Education
Case Officer:	Robert Parr
Ward Member(s):	Cllr Cocking, Cllr Hughes and Cllr Kimber

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council is the landowner.

2.0 Summary of recommendation: Grant planning permission subject to conditions

3.0 Reason for the recommendation:

- Improvement to a Community Facility.
- No harm to character and appearance or amenity.
- No highway concerns identified.
- Flood risk is acceptable.
- No adverse impact on Chesil Beach and the Fleet European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat	No adverse impact identified.
Flood Risk	Acceptable
Design	Acceptable
Highways	No adverse impact identified.
Amenity	No adverse impact identified.

5.0 Description of Site

The site is within the grounds of Osprey Quay Campus, Atlantic Academy, located at the northwest end of Portland. The existing building on site, which is currently vacant, was last in use as a mainstream school. The site is within the Defined Development Boundary, is not a Listed Building, is not in a Conservation Area and is not within the Dorset Area of Outstanding Natural Beauty. The majority of the site is in an area recorded as having a low risk of flooding, although smaller sections of the site are within areas recorded as having a high risk of flooding.

6.0 Description of Development

The proposed development includes the provision of additional car parking spaces, vehicular circulation space, footpath alteration, together with associated hard and soft landscaping works to include 2 x EV charging, 3 x air source heat pumps and additional boundary fencing and gates.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
P/CLP/2022/06165	Erection of additional 2no. classrooms within courtyard of existing school; Erection of storage building; Replacement of external windows and doors	Granted	19/01/2023
WP/18/00347/CLP	Change of use from a state school to a language school.	Granted	27/07/2018
11/00099/DCC3	External alterations and associated works	Objection	04/03/2011
10/00429/DCC3_1	New 315 place primary school and 26 place nursery for Chesil Cove Federation, including supporting landscape Masterplan and external curriculum areas.	Granted	16/09/2010
10/00429/DCC3	New 315 place primary school and 26 place nursery for Chesil Cove Federation, including supporting landscape masterplan and external curriculum areas	No Objection	08/09/2010

8.0 List of Constraints

Dorset Council Land

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076)
Distance: 1003

Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012)
Distance: 1806m

Area of Archaeological Potential; Portland

Defined Development Boundary; Fortuneswell

Neighbourhood Plan - Made; Name: Portland NP; Status 'Made' 22/06/2021

Legal Agreements S106

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar); - Distance: 2.22

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Flood Zone 3

Flood Zone 2

Radon

ONR portland_12km_zone

9.0 Consultations/Notifications

Portland Town Council

Portland Town Council supports this application.

Highway Authority

To encourage the use of sustainable transport modes the applicant is requested to incorporate adequate cycle storage facilities. The applicant is reminded to have due regard of Inclusive Mobility for the proposal.

The Highway Authority has NO OBJECTION, subject to the following condition(s):

- Turning/manoeuvring and parking construction as submitted.
- Electric vehicle charging scheme to be submitted.
- Informatives: Contact Dorset Highways before commencement and electric vehicle charging points must comply with building regulations.

Flood Risk Engineer

- The proposed development is compatible with the flood risk to the site.
- Approval from Wessex Water, accepting the potential small increase in surface water discharge, will be required.

Ward Councillors – No reply

Landscape - No reply

Education Officer – No reply

Environment Agency – No reply

Economic Development & Tourism – No reply

Archaeology – No reply

Dorset Wildlife Trust – No reply

Public Health Dorset – No reply

Natural England – No reply

Asset & Property – No reply

Representations received – None

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT1	-	Presumption in favour of sustainable development
SUS2	-	Distribution of development
ENV1	-	Landscape, seascape and sites of geological interest
ENV2	-	Wildlife and habitats
ENV5	-	Flood risk
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV13	-	Achieving high levels of environmental performance
ENV16	-	Amenity
COM2	-	New or improved local community buildings and structures
COM6	-	The provision of education and training facilities
COM7	-	Creating a safe and efficient transport network

Portland Neighbourhood Plan (2017-2031)

Policy No. Port/EN1 Prevention of Flooding and Erosion

Policy No. Port/EN6 Defined Development Boundaries

Policy No. Port/EN7 Design and Character

Material Considerations

National Planning Policy Framework (2021)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Other Material Considerations

Weymouth & Portland Urban Design (2002)

Landscape Character Assessment (Weymouth & Portland)

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that given the type and nature of the development proposed it would have no adverse impact on people with protected characteristics.

13.0 Financial benefits

No direct financial benefits have been identified or detailed in the application.

14.0 Environmental Implications

As the application site is within 5km of the Chesil Beach & the Fleet European protected site, the potential impacts on the protected site have been considered. Having considered the proposals it has been concluded that there will be no adverse effect on the integrity of the designated site.

15.0 Planning Assessment

15.1 Principle of Development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to a Special Educational Needs (SEN) school and as such the principle of development is accepted under Local Plan Policy SUS2 and Neighbourhood Plan Policy Port/EN6.

15.2 Flood Risk

Part of the application site to its west is within Flood Zones 2&3, but the majority of the site is within Flood Zone 1. In both the northeast and northwest corners of the site there are pockets of land with a surface water flood risk of 1 in 30 and 1 in 100 years. However, the only development proposed in the areas recorded as having a high risk of flooding is the provision of new fencing and four car parking spaces. It is noted that the car park surfacing could be carried out as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Part 7 Class N and the proposed fencing would replace existing. Furthermore, car parking is considered to be a ‘Less Vulnerable’ use as set out in Annex 3 of the NPPF 2021 flood risk vulnerability classification and the area is already used as a car park.

The Flood Risk Engineer has considered the application and has no objection subject to Wessex Water accepting the potential small increase in surface water discharge.

Wessex Water has stated that no action is required with regard to the proposed minor alterations/increase in impermeable area on this site.

Therefore, it is considered that taken as a whole the proposed development is acceptable in terms of flood risk when assessed against Local Plan Policy ENV5 and Neighbourhood Plan Policy Port/EN1.

15.3 Design

The proposal includes a number of different elements which collectively are intended to make the site suitable to be used as a SEN school and improve its energy performance. The proposed replacement fencing, and gates are a design typically used around school sites and in this instance are considered to be acceptable due to their scale and height and are in keeping with the character of the area.

The proposed alterations and additional surfacing are considered to be modest in scale given the size of the site and it is proposed to use materials that match existing. As such the surfacing elements of the proposals are considered to be acceptable.

The proposed use of grass and the additional 17 new trees are considered in keeping with the site and an enhancement to the current landscape.

The addition of EV Charging and Air Source Heat Pumps are considered modest given the scale of the site and are measures that can provide a valuable contribution to cutting greenhouse gas emissions. As such the proposals are considered to be in accordance with Local Plan Policy ENV13.

Therefore, when taken as a whole the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ENV13 and Neighbourhood Plan Policy Port/EN7.

15.4 Highways

The Highway Authority has set out that it has no objection to the proposals subject to conditions relating to turning/manoeuvring and electric vehicle charging. It is considered that the turning/manoeuvring condition is necessary and reasonable to ensure that highway safety is not adversely impacted upon. However, the applicant has provided the location of the proposed EV Charging points, details of the EV Charging units proposed and confirmed that a total of 2 x EV Charging points would be provided. As such it is considered a condition requiring the EV charging to be installed in accordance with the details provided is reasonable in this instance. The Highway Authority has requested the applicant incorporates adequate cycle storage facilities. The applicant has stated that cycle parking on site will remain as it is and there will be no change and it is not considered there is a relevant policy requirement requiring additional cycle storage in in this instance.

It is therefore considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

15.5 Amenity

The application by virtue of the proposed design and scale is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

16.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the Portland Neighbourhood Plan 2017-2031, the policies of the NPPF (2021) and other material considerations. It has been concluded that the proposed development accords with the development plan, would be an improvement to community facilities and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

General Arrangement Plan – Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

4. The fencing and gates shall be finished in the colour black and the materials to be used shall be the product Zaun Duo 8 Perimeter Fence System as set out

in the approved plans and in the supporting Zaun Limited product information sheet Version 20220817 submitted on the 10/03/2023 with this application.

Reason: To ensure a satisfactory visual appearance of the development.

5. The three air source heat pumps as shown on Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05 and hereby approved, shall be AMICUS LT Air Source Heat Pumps model code: LAHP-412LTS, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: For the avoidance of doubt and in the interests of proper planning.

6. Prior to the occupation or use of the development hereby approved, two electric vehicle charging points shall be installed as shown on Dwg No. DSE-UBU-XX-XX-DR-L-0100 Rev: P05 and these shall be Rolec Service Ltd Basic Charge Units, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives

Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

Informative: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Informative: Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.